

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6678

BILL NUMBER: SB 194

NOTE PREPARED: Jan 13, 2004

BILL AMENDED:

SUBJECT: Presumption Concerning Child Sexual Abuse.

FIRST AUTHOR: Sen. Dillon

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: The bill provides that a child is a child in need of services (CHINS) if the child:

- (1) lives in the same household as another child who is the victim of certain sex offenses;
and
- (2) needs care, treatment, or rehabilitation that the child is not receiving and that is unlikely to be provided or accepted without the coercive intervention of the court.

It establishes a rebuttable presumption that a child is a CHINS if:

- (1) another child in the same household has been the victim of a sex offense;
- (2) the offense was committed by an adult living in the household; and
- (3) the offense resulted in the conviction of the adult or a CHINS adjudication concerning the child victim.

The bill also provides that a child presumed to be a CHINS may not be taken into custody or emergency custody unless a court finds cause following a hearing.

Effective Date: July 1, 2004.

Explanation of State Expenditures: (Revised) To the extent that the bill adds a new circumstance under which a child is a child in need of services (CHINS), the bill would increase the number of children who may be declared by a court to be a CHINS. The child in question would need care, treatment, or rehabilitation that the child is not receiving and is unlikely to be provided or accepted without the coercive intervention of the court.

According to FSSA, there are 972 children who lived in the home of a victim of a substantiated allegation of sexual abuse. Of these 972 children, 125 were made CHINS and 273 had cases opened.

Under the bill, a child who lives in the same household as another child who was the victim of a sex offense is a CHINS. With the data currently available, the number of children in a household where a conviction resulted cannot be identified. According to FSSA, offenders may plea to a lesser offense so that a substantiated allegation is not representative of a conviction for a child sexual abuse crime. Another condition requires that the child lives in the same household as another child who was the victim of abuse. One may assume that if a child who was the victim of abuse is removed from the household, the remaining child(ren) would not be CHINS under the bill. Also, the child would require care, treatment, or rehabilitation that the child is not receiving and is unlikely to be provided or accepted without the coercive intervention of the court. The number that would meet this requirement cannot be determined from the data available, but may be accounted for in the number of children that were made CHINS or had cases opened.

Another way that the bill may increase the number of CHINS is the rebuttable presumption that a child living with both the child victim and adult perpetrator of a sex offense is a CHINS. In this case, there are no data to indicate how many children live with both a victim and an offender who has been convicted or had a judgement entered. Given the average minimum sentence for offenders who have been convicted for a sex offense and are incarcerated in a state facility is 14.5 years (based on a one day snapshot of the sentencing information of the state prison population), children may be close to 18 years of age before an offender is living in the household.

Background on CHINS: When a local office receives a report of allegations of abuse or neglect, they conduct an investigation. If the findings indicate by a preponderance of the evidence that the abuse or neglect did occur, the findings of the investigation will be substantiated. Case services range from offering services to removing a child to substitute care. FSSA estimates the current annual cost of a CHINS case to be approximately \$14,451 per child which includes the investigations performed as well as services provided.

Explanation of State Revenues:

Explanation of Local Expenditures: Depending on the actions of the juvenile court, the child could be placed in an out-of-home setting, increasing the costs to the county that pays for out-of-home costs. Additionally, depending on the financial status of the parents, guardians, or custodians of the child, the court may also incur added expenses for appointing an attorney to represent an indigent parent in a detention hearing.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies, county Office of Family and Children.

Information Sources: Family and Social Services Agency, Department of Correction.

Fiscal Analyst: Karen Firestone, 317-234-2106.